

An
Bord
Pleanála

Board Direction
BD-017425-24
ABP-316113-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 09/09/2024.

The Board decided to treat this case under section 139 of the Planning and Development Act, 2000. The Board also decided, based on the Reasons and Considerations set out below, that the planning authority be directed, as follows:

Attach condition numbers 2, 10 and 18.

Remove condition number 9(i) and 9 (ii)

Amend condition number 3 to read as follows:

The parking provision shall not exceed 188 spaces. Prior to the commencement of development, the applicant shall submit a revised layout plan indicating the inclusion of a revised overflow car park for the additional spaces and the provision of not more than 188 car parking spaces. Details of the electric vehicle charging points and how it is intended to manage the car parking area shall also be provided for the written agreement of the planning authority prior to the commencement of development.

REASON: In the interest of the proper planning and sustainable development for the area.

Reasons and Considerations

Having regard to the nature of the conditions which are the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of Section 139 of the Planning and Development Act, 2000, as amended to :

ATTACH Condition No. 2 as follows for the reasons and considerations hereunder:

Having regard to the High Amenity zoning objective for the site, its location within the Howth Castle Architectural Conservation Area and the Buffer Zone for the Howth Special Area of Conservation Area, it is considered that the works required to construct the road would result in excessive interventions in the historic landscape, including the loss of mature trees and would impact on features of heritage value to the overall character and setting of the Howth Castle Demense. It would therefore be contrary to the policies and objectives of the Fingal County Development Plan 2023-2029 and in particular with, Objective GINHO67, Policy HCAP and Objective HCA031, and would be contrary to the proper planning and sustainable development of the area.

AMEND Condition No. 3 for the reasons and considerations hereunder:

Having regard to the location of the site in close proximity to Howth DART Station and to public bus stops, the policies and objectives of the Fingal Development Plan 2023-2029, which promote demand management for private car use and a modal shift to public transport, and the provisions of Section 14.17.7 and Table 14.19 which set out the car parking standards for the area, it is considered that the quantum of parking applied for is not required but that the quantum set out by the planning authority's transportation engineer is appropriate for the anticipated increased activities and is in accordance with planning policy and with the land uses proposed and is appropriate for the site and proposed development. The amended condition

No. 3 is therefore in accordance with the proper planning and sustainable development of the area.

REMOVE Condition No. 9(i) and 9(ii) for the reasons and considerations hereunder:

Having regard to the existing and planned cycle routes and the topography of the site along its northern extent, which involves a steep level change between the site and the public road, it has not been demonstrated that an additional cycle route is necessary and can be safely accommodated at this location without significant interventions in the landscape which could result in the removal of mature trees. This would be contrary to the Special Objective for the site to 'Protect and Preserve Trees, Woodlands and Hedgerows' within the site and would be contrary to the proper planning and sustainable development of the area.

ATTACH Condition No. 10 for the reasons and considerations hereunder:

The proposed temporary marquee would be located within the root protection area for a cluster of mature trees. Having regard to the Special Objective for the Demense lands to 'Protect and Preserve Trees Woodlands and Hedgerows throughout the site', it is considered that the location of the marquee should be moved to an area outside the root protection zone for the nearby trees.

Condition No. 18 -

ATTACH Condition No. 18 for the reasons and considerations hereunder:

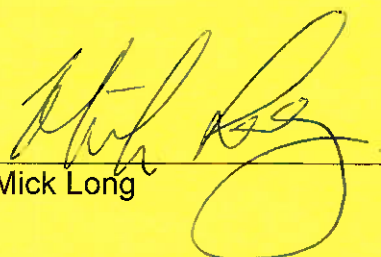
The Board considers that, based on the reasons and considerations below that the terms of the Fingal Development Contribution Scheme 2021-2025 have been applied correctly in Condition No. 18 and that the condition should be attached to the permission.

A commercial levy can be applied to the areas proposed for a change of use, which are stated as 1,578 sq. m. in the Schedule of Accommodation submitted with the application and under further information. The Board considers that the exemption

for Protected Structures under Section 11(t) does not apply as the works proposed are primarily commercial in nature and that the entirety of the works do not represent renovations to restore/refurbish the protected structure. The Board also considers that the change of use from residential to commercial represents a substantial intensification of use of the building and that a commercial levy can be applied under the provisions of Section 11(v).

A commercial levy can be applied to the Pavilion area, within the courtyard which has a floor area of 322 sq. m., and a reduction of 50% can be applied in accordance with Section 11(t) of the Fingal Development Contribution Scheme 2021-2025.

Board Member:


Mick Long

Date: 09/09/2024